

BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS



ANNUAL REPORT FY 2013

TABLE OF CONTENTS

Cover/Title Page.....	I
Table of Contents.....	ii
Transmittal Letter.....	iii
Introduction.	1
History.....	1, 2
Board Members.	3
<u>Functions of Board:</u>	
Functions and Authorities of the Board.	4
Appointment of Board Members.	5
Rosters.	5
Geologic Competency Examinations.....	6, 7
Investigations/Disciplinary.	8
Disciplinary Adjudications.	9
Continuing Education/Professional Development.....	9
Liaison Committee.....	9



Mississippi State Board of Registered Professional Geologists

Post Office Box 22742
Jackson, Mississippi 39225-2742
Telephone - 601/354-6370
geology@msbrpg.state.ms.us
<http://www.msbrpg.state.ms.us>

January 2, 2014

To: Governor of Mississippi
Lieutenant Governor of Mississippi
Mississippi House of Representatives Members
Mississippi Senate Members
State Elected and Appointed Officials

**Re: 2013 Annual Report
Mississippi State Board of Registered Professional Geologists**

In accordance with Mississippi Code 1972, Annotated, §27-101-1 and §27-101-3, (amended by Mississippi Legislature, Regular Session 2009, Senate Bill 2745) and §73-63-19, the following link is provided to the electronic version of the 2013 Annual Report of the Mississippi State Board of Registered Professional Geologists. This document summarizes the agency's activities for the period of July 1, 2012 to June 30, 2013.

If you wish to receive a printed copy of this report, please use the following link to access and print the report in its entirety -

<http://www.msbrpg.ms.gov/MSBRPG%20Documents/annual.pdf>

For and on behalf of the Board,

Rick L. Ericksen, RPG, CPG
Executive Director

RLE:ms

INTRODUCTION

The Board of Registered Professional Geologists is charged with the responsibility of determining those areas of geology that impact the public's health, safety, and welfare. The Board through its Rules and Regulations and Guidance Opinions and Recommendations, as well as a complete and thorough registration process, ensures that each of its registrants is properly qualified to publicly practice the geologic profession in the state of Mississippi. During FY 09, the Board continued to enroll new Geologists In Training (GIT) and Registered Professional Geologists through reciprocity agreements with other states that include Alabama, Georgia, Texas, and Arkansas; through other application reviews of those who meet the requirements of GIT or RPG via experience and examinations, all of which add to those that initially "grandfathered," and others who have previously gone through the Board's review in years previous to FY 13. The Board continues its examination administration every six months.

HISTORY OF THE BOARD

The Board was established in 1997 by the Legislature and its first Board was appointed and sworn in July, 1997. The first Board developed and, upon due and proper notice, adopted Rules and Regulations of Procedure and also formalized and approved the application and related forms for those who wished to be registered with this Board. Subsequently, the Board reviewed and registered or enrolled a majority of its registrants during the time frame of 1997 through 2000. In 1997 the Board became an Associate Member of the National Association of State Boards of Geology (ASBOG®)—the organization that developed and maintains the two national geologic competency examinations. Later in 1999 the Board became a full member of that organization.

In November, 2013 during the Annual Meeting of ASBOG® the Board's Executive Director, Rick L. Ericksen, was bestowed with the highest honor of ASBOG® receiving the Sherman Award for his previous and ongoing work with the organization. He joins Dr. Darrel W. Schmitz (a former, long term member of the MSBRPG), who also received the Sherman Award. We are very proud of both.

The Board administered its first ASBOG® qualifying examination in March, 1999 and it continues to do so every six (6) months for those desiring to become either a Geologist-In-Training or Registered Professional Geologist within the State of Mississippi. The Board has offered and continues to offer the first of the two (2) geology examinations to senior level geology students at all of the institutions of higher learning in Mississippi offering degrees in geology. This provides those who are attending our state's universities an opportunity to enter into the qualifying process and become a Geologist-In-Training. As a designed result, the participation of the universities in Mississippi who have degree programs in geology allows the faculty and those institutions to assess their degree programs that are being offered in geology.

It is important to note that all of the states in the southeastern US now have some form of geologic registration or licensure. The southeastern states include Florida, Georgia, Alabama, Tennessee, Arkansas, Kentucky, North Carolina, South Carolina, Louisiana, and Texas. On a national basis 31 states and one US territory have geologic licensure or registration laws in place. To re-emphasize this point, all states bordering Mississippi have geologic licensure/registration laws requiring anyone who is publicly practicing geology to be licensed/registered with that state's regulatory agency.

The Board operated without a full time staff until FY 2001 when it hired an Executive Director, which is the agency's first and only full-time employee. Legal counsel for the Board is provided for by the Attorney General's legal staff.

Geologic Educational Outreach - 2013 Annual Legislative Day, State Capitol, Jackson, MS.



BOARD MEMBERS
(AS OF 12/31/13)

Mr. Michael J. Wright, RPG
President
At-Large
Brandon

Mr. Kenneth D. Ruckstuhl, RPG
Vice President
Geotechnical/Environmental Industry Sector
Brandon

Mr. Maurice N. Birdwell, RPG
Mining/Extractive Mineral Industry Sector
Brandon

Ms. Patricia A. Phillips, RPG
Government Sector
Clinton

Dr. David M. Patrick, RPG
Academic Sector
Hattiesburg

FUNCTIONS AND AUTHORITIES OF THE BOARD

The Board of Registered Professional Geologists was established and operates in accordance with the authority of Title 73, Chapter 63, Sections 1 - 57 of the Mississippi Code of 1972, as amended.

The Board is enabled through these statutes and has the authority to:

1. Provide guidelines as to those geologic activities which may impact the public's health, safety, and welfare;
2. Provide the enforcement of the provisions of this chapter, and the Bylaws, Rules, and Regulations of the Board, as well as the enforcement of all other applicable laws of the State of Mississippi;
3. Provide appropriate Rules and Regulations, within and consistent with the provisions of this chapter, which contain procedures for implementing disciplinary actions as provided for in §73-63-43 (Mississippi Code, Amended 1972), including the imposition of fines as provided for therein;
4. To administer and proctor ASBOG® (Association of State Boards of Geology) national examinations. The ASBOG® examinations (geologic competency examinations) represent a pervasive, legally defensible system of standards and practices in the public practice of the geological profession and geological registration/licensure;
5. Investigate and where warranted: admonish, prosecute or initiate prosecution for violation(s) of the laws of this state pertaining to the public practice of geology, or matters related thereto;
6. Adopt and promulgate reasonable and necessary bylaws, rules, and regulations for the proper and appropriate fulfillment of its duties consistent with state laws pertaining thereto;
7. Promote and encourage continuing education of its registrants;
8. Establish and enforce standards of professional conduct and ethics;
9. Institute proceedings in its own name.

The State Board of Registered Professional Geologists consists of five (5) registered professional geologists, appointed by the Governor from three (3) nominees submitted for each sector of geological practice noted below. With the exception of the first appointed board, all subsequent nominees are nominated and submitted to registrants for their confirmation and ranking by the number of votes cast by registrant balloting. These nominees, ranked from highest number of registrant votes to least, are then submitted to the Governor for consideration and appointment. The terms of appointees, with the exception of the first board, are four (4) years in duration, on staggered terms.

- 1) Government;
- 2) Mining/Extractive Mineral Industry;
- 3) Academia;
- 4) Geotechnical/Environmental Industry;
- 5) At-large (any sector).

Complete listings of Registered Professional Geologists (RPGs) and Geologists-In-Training (GITs) are available upon request. These rosters are also available at no charge on the Board's web site located at the following web site address: <http://www.msbrpg.ms.gov>

GEOLOGIC COMPETENCY EXAMINATIONS - NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG®)

The Board maintains membership with the Association of State Boards of Geology (ASBOG®). In addition to the ASBOG® qualifying examinations, this Board's affiliation with ASBOG® provides an essential mechanism by which Mississippi, the Board and its membership, and the geologic educational leaders of this state are kept aware of national trends in the professional practice of geology and related areas. Importantly, in calendar year 2005, ASBOG® adopted a Model Geologist Licensure Law. The Model Law is intended for the use of those states going through sunset review and also for states that intend on introducing geologic licensure/registration legislation. The adoption of this Model Law was a milestone for the professional practice of geologists in the U.S. In November, 2011, the ASBOG® organization adopted, as a companion to the Model Law, companion Model Rules and Regulations that may be utilized by boards of registration/licensure as appropriate.

Our Board has been represented in the ASBOG® organization by Dr. Darrel Schmitz (former board member and board President) and also by Mr. Rick Ericksen (Board's Executive Director), Dr. Terry Panhorst (professor of geology at the University of Mississippi), Dr. David Patrick (professor of geology at the University of Southern Mississippi), Dr. John Mylroie (professor of geology at the Mississippi State University), Dr. Lisa Goggin (Board Subject Matter Expert), Mr. Keith Goggin (Board Subject Matter Expert), and Dr. James Harris (Chair, Department of Geology at Millsaps College). Mr. Ericksen continues to participate in various capacities with ASBOG® including chairing both the ASBOG® Public Relations Committee and the ASBOG® Uniform Procedures Committee and also serves as a member on the ASBOG® Finance Committee.

This Board's continuing participation with ASBOG® assures both the Board and the State of Mississippi a solid and proactive role of professional and educational leadership and governance at the national and international levels. The primary function of ASBOG® is to provide valid, legally defensible geologic examinations that test the applicant's knowledge and understanding of the geologic profession. These examinations are offered on a local, state-basis and in turn are graded on national-basis. ASBOG® also serves as a facilitator in related geologic-professional practice areas including the identification of geologic tasks normal to the practice of geology on the national and international level, as well as addressing other areas of professional practice and significance including professional ethics, the issuance of a Model Geologist Licensure Law, and the accompanying Model Rules and Regulations for geologic licensure/registration boards (the noted

documents can be viewed at the following web site: <http://www.asbog.org>). It is of further interest to note that the first of the two (2) geologic competency examinations (the Fundamentals of Geology) is now being offered in Canada as a qualifying-geologic competency examination. Canada requires that all geoscientists be licensed in each of their provinces/territories.

As noted in a previous annual report, in late 2011, Mr. Ericksen and other, select ASBOG® officials met with government representatives of the People's Republic of China, i.e. the Chinese Ministry of Exploration and Development, and discussed with them the potential use of geologic competency examinations in China. The Chinese entourage noted that officials with the Central Government had mandated that, based on the number and severity of geoscience related, natural and man-made disasters that have occurred in China over the past, that it was essential that the Chinese government institute geologic competency examinations to ensure that work and work activities being performed in China be accomplished via thoroughly trained and competent geoscientists.

GEOLOGY COMPETENCY EXAMINATIONS

The Board has the responsibility of administering examinations prepared by the Association of State Boards of Geology. Examinations were first offered in Mississippi in March, 1999. These qualifying examinations, the "Fundamentals of Geology" and "Practice of Geology" examinations, are offered twice yearly. In conjunction with the implementation of geologic examinations, all of the state's universities that offer degrees leading to a degree in Geology have and continue to participate with the Board in the administration of the ASBOG® examinations. These universities have implemented the ASBOG® examination (Fundamentals of Geology) as an Assessment (Exit) examination in their degree programs and require those in their programs of Geology take the FG exam prior to graduation.

Mississippi was the first state in the US to utilize this examination for this purpose and several other states have begun to follow Mississippi's lead in using this examination for the same purposes. The universities in Mississippi participating in this examination process include the Geology departments of the University of Mississippi, Mississippi State University, the University of Southern Mississippi and Millsaps College.



North American Coal's Lignite Mine, near Ackerman, MS. In the distance is the electric generating facility that uses the lignite being mined.

INVESTIGATIONS/DISCIPLINARY ACTIONS

The Board received two (2) unsubstantiated verbal complaints during FY 2013 that were not investigated. However, other verbal complaints that did have merit led to investigations and ensuing FOIAs with another state agency. As a result, a total of 20 complaints were then issued. Of the 20 complaints, 2 were dismissed, 7 letters of concern were issued for not reporting unregistered practice and for stamping/signing of geologic document infractions, and the remaining 11 complaints are in various stages of being resolved. Since this report spans FYs, it is notable to mention that the Board has received another 5 complaints during FY 2014 that it is currently investigating. It is important to note that in the past, the average number of complaints that were received during any one FY generally ranged from 1 to 4, averaging 2 per year. The increase in complaints now currently being addressed by the Board that were received during FY 2013 represents an unprecedented increase of 1000%.

DISCIPLINARY ADJUDICATIONS

As noted in the previous section (Investigations/Disciplinary) the Board has issued seven (7) letter of concern during FY 2013 and the Board currently has sixteen complaints (11 from FY 2013 and 5 from FY 2014) under investigation or adjudication that may lead to disciplinary actions under the powers vested to the Board.

CONTINUING EDUCATION/PROFESSIONAL DEVELOPMENT

The Board formally adopted a voluntary continuing education program in FY 03. As provided for in its enabling legislation, the Board has also proactively



been offering, jointly with other professional, geological-oriented organizations, educational seminars, field trips, professional training, and other presentations designed to enhance and inform its registrants of new and developing technologies, professional ethics, and geological topics pertaining to continuing professional development. Through these offerings the Board is providing to its registrants a

needed service to ensure their competitiveness but more importantly their competency related to the professional services which they offer to the public.

BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS AND BOARD OF LICENSED PROFESSIONAL ENGINEERS AND LAND SURVEYORS - LIAISON COMMITTEE

As a result of discussions between both boards, after the 2006 legislative session, it was agreed that the two should form a committee to meet on a regular basis to discuss professional practice issues that have or may impact both agencies. The two boards formed a liaison committee that regularly meets approximately every six (6) months. These informal meetings have been beneficial to both boards and as such, they have and will continue into the future.